



OFFICE OF

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April 26, 1994

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Natural Resources Division  
Key Bank Tower  
Suite 900  
50 South Main Street  
Salt Lake City, UT 84114

Re: Road Dispute between Trevor Leach & March Corp.

Dear Steve:

Thank you for your fax. By way of clarification, Kane County is certainly not taking the position that the subject road is closed to the state, or that Mr. Edwards and/or March Corporation do not have a right to use it. As I told you on the telephone, I advised Mr. Leach and all persons present at the County Commission meeting that the State would take the position that it and its lessees have a right to use the road, and nothing the county does will affect that right.

You should also note that the County Commission, with the help of several different maps, and the county road supervisor, determined that the part of the road that the county actually has claimed as a Class D road and provided some maintenance on, turns prior to reaching the Leach property, and the county has never claimed or provided maintenance on the portion of the road which crosses Leaches' property. There appears to be some confusion and inconsistency between maps concerning that road, but the County is not taking the position that its action(s) affect the State's rights.

It is the county's position that it mistakenly relied upon Mr. Edwards' representations that the road he had outlined was the one the county claimed and maintained. We are not taking the position that Mr. Edwards intentionally misled the county, but we are taking the position that the mistake was at least unilateral, because the county's position is that it has never claimed or maintained that portion of the road. It is the county's position, however, that Mr. Edwards was either also mistaken himself concerning what the county actually claimed and maintained, or he intended to persuade the county to take the position it initially took - that it claimed and had maintained a stretch of road to which it had no claim.

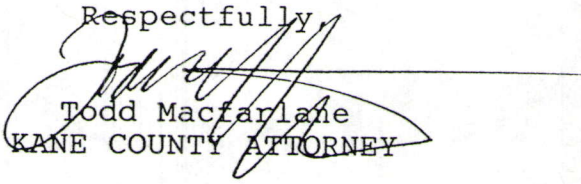
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The mistake may have been mutual, because Mr. Edwards may have thought that the county claimed and/or maintained that portion of the road, and some maps may indicate that it does, although others do not, and the county road people indicate that the county has never had anything to do with the Leach portion of the road.

In any event, as to your position that the county may not have followed the correct procedure in disclaiming any interest in that portion of the road, if there is indeed a procedural defect, which it does not appear to us that there is, it will be corrected.

In the mean time, hopefully you can work out the dispute between March Corporation and the Leaches. Kane County has no desire to be in the middle of it. If I can be of any further assistance, however, please let me know.

Respectfully,



Todd Macfarlane  
KANE COUNTY ATTORNEY

cc: County Commission